

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:25-CV-21679-GAYLES/AUGUSTIN-BIRCH

CARLOS MANUEL VASQUEZ LOPEZ,

Plaintiff,

vs.

HENRY VERA,

Defendant.

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PLAINTIFF'S MOTION FOR EXTENSION OF TIME
TO FILE PLAINTIFF'S MOTION FOR DEFAULT FINAL JUDGMENT

Plaintiff, Carlos Manuel Vasquez Lopez, through his undersigned counsel and pursuant to Fed. R. Civ. P. 12, Local Rule 7.1, and other applicable Rules and laws, requests the Court to grant Plaintiff an extension of time to file his Motion for Final Default Judgment based on the following good cause:

1. Plaintiff filed his Complaint against Defendant for violating the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §201, *et seq.*, by failing to pay him minimum wages and overtime wages, and for unpaid wages under the common law of Florida in claims for breach of contract and unjust enrichment. [ECF No. 1.]

2. Plaintiff provided a copy of the Summons and Complaint to his process server, who made multiple attempts to serve Defendant beginning in April 2025 until the most recent attempt on July 18, 2025, but to no avail. [ECF No. 19].

3. Plaintiff filed a Motion for Extension of Time to Effect Service of Process on Defendant, which was granted by the Court, followed by a Notice of Filing Proposed Summons for Henry Vera to serve him through the Secretary of the State of Florida [ECF Nos. 15, 16, 17].

4. The Secretary of State Accepted substitute service of process for the Defendant on July 22, 2025. [ECF No. 21-2].

5. Plaintiff filed a Motion to Declare Defendant Served with Process Pursuant to Fla. Stat. §48.031, which the Court granted on October 17, 2025. [ECF Nos. 21, 22].

6. Defendant took none of the required actions and filed nothing through the date set forth below, such that the Clerk of Courts granted Plaintiff's Motion for Entry of Clerk's Default. [ECF Nos. 23, 24].

7. Following the Clerk's entry of default against Defendant, the Court entered its Order and Notice of Court Practice on Default Procedure [ECF No. 25] (the "Order") on November 7, 2025—requiring that Plaintiff file his Motion for Default Final Judgment, accompanied by a Proposed Final Default, on or before November 14, 2025.

8. During the seven-day period following the Court's entry of the Order, Plaintiff's counsel has diligently prepared the Motion for Default Final Judgment, the Proposed Final Default, along with Plaintiff's sworn declaration attesting to the amounts of unpaid wages he is owed by Defendant.

9. Plaintiff is currently unavailable to complete the final review and execution of his sworn declaration supporting the Motion for Default Final Judgment, which must be submitted concurrently with the Motion for the Court's consideration.

10. This Motion is made in good faith and not for purposes of delay. No prejudice will result to any party if the requested extension is granted.

11. Pursuant to Fed. R. Civ. P. 6(b)(1) “When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires.”

12. It follows that this Court has the power to “control the disposition of the causes on its docket with economy of time and effort for itself, for counsel and for litigants.” *Landis v. North American Co.*, 299 U.S. 248, 254 (1936); *also see Clinton v. Jones*, 520 U.S. 681, 706-707 (1997).

13. Accordingly, Plaintiff respectfully requests the Court to grant him a one-week extension of time through November 21, 2025, to file his Motion for Entry of Default Final Judgment.

14. A proposed Order is being submitted simultaneously herewith.

WHEREFORE Plaintiff, Carlos Manuel Vasquez Lopez, respectfully request the Court to grant him the Extension of Time requested above.

Respectfully submitted this 14th day of November 2025,

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